

Message Text

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ORIGIN IO-14

INFO OCT-01 ARA-16 ISO-00 NSC-07 SS-20 DLOS-07 L-03 AF-10

EA-11 EUR-25 NEA-14 RSC-01 CG-00 CIAE-00 DODE-00

NSAE-00 NSCE-00 SSO-00 USIE-00 INRE-00 PM-07 H-03

INR-10 PA-04 PRS-01 SP-03 FEA-02 CEQ-02 COA-02

COME-00 EB-11 EPA-04 NSF-04 SCI-06 ACDA-19 AEC-11

AGR-20 DOTE-00 FMC-04 INT-08 JUSE-00 OMB-01 TRSE-00

OIC-04 /255 R

DRAFTED BY TEXT RECEIVED FROM WHITE HOUSE

APPROVED BY IO - ROBERT O.-BLAKE

D/LOS:OESKIN

ARA/NC:MCFORRESTER

L/OES:RJBETTAUER

S/S:WHLUERS

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FM SECSTATE WASHDC

TO AMEMBASSY CARACAS IMMEDIATE

S E C R E T STATE 136405

E.O. 11652:YGDS

TAGS: PLOS

SUBJECT: LOS: INSTRUCTIONS FOR THE U.S. DELEGATION TO THE
LAW OF THE SEA CONFERENCE

PASS LOS DELEGATION FOR AMB. JOHN R. STEVENSON & JOHN MOORE

FOLLOWING INSTRUCTIONS FOR THE U.S. DELEGATION TO THE LOS
CONFERENCE HAVE BEEN RECEIVED FROM THE WHITE HOUSE:

1. THE PRESIDENT HAS REVIEWED THE RECOMMENDED INSTRUCTIONS
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FOR THE U.S. DELEGATION TO THE THIRD UNITED NATIONS CON-

REFERENCE ON THE LAW OF THE SEA, FORWARDED UNDER COVER OF THE MEMORANDUM OF MAY 14, 1974, FROM THE CHAIRMAN, NSC UNDER SECRETARIES COMMITTEE; HE HAS ALSO CONSIDERED THE ACCOMPANYING AGENCY COMMENTS. THE PRESIDENT HAS APPROVED THE RECOMMENDED INSTRUCTIONS SUBJECT TO THE GUIDANCE WHICH FOLLOWS.

2. CONFERENCE PROCEDURES. FURTHER TO NSDM 240, THE PRESIDENT HAS DIRECTED THAT THE U.S. DELEGATION SHOULD PRESS FOR CONFERENCE RULES AND PROCEDURES WHICH WILL PROMOTE A TIMELY AND SUCCESSFUL LAW OF THE SEA CONFERENCE ACCOMMODATING U.S. OCEANS POLICY INTERESTS. THE DELEGATION IS TO ENSURE THAT THE VOTING ARRANGEMENTS WILL PERMIT THE CONFERENCE TO PROCEED IN A MANNER BEST SUITED TO THE ATTAINMENT OF U.S.

INTERESTS, GUARDING IN PARTICULAR AGAINST ARRANGEMENTS ALLOWING FOR PREMATURE SUBSTANTIVE VOTING WHICH MIGHT BE HARMFUL TO THOSE INTERESTS.

3. NAVIGATION AND STRAITS. THE PRESIDENT REAFFIRMS THE IMPORTANCE ATTACHED TO GAINING INTERNATIONAL ACCEPTANCE OF PROVISIONS ACCOMMODATING U.S. NATIONAL SECURITY INTERESTS ON FREEDOM OF NAVIGATION, UNIMPEDED TRANSIT THROUGH AND OVER INTERNATIONAL STRAITS AND PRESERVATION OF OTHER REASONABLE USES OF THE HIGH SEAS. SUBJECT TO THE CONSENT OF THE SENIOR DEPARTMENT OF DEFENSE REPRESENTATIVES ON THE DELEGATION, THE CHAIRMAN OF THE U.S. DELEGATION IS AUTHORIZED TO EXERCISE THE AUTHORITY REQUESTED IN SECTION C OF THE INSTRUCTIONS;

4. COASTAL RESOURCES. THE PRESIDENT HAS DIRECTED THAT U.S. SUPPORT FOR REVENUE SHARING IN THE COASTAL SEABED ECONOMIC AREA SHALL BE DEPENDENT ON SUPPORT FOR THE FUNDAMENTAL U.S. OBJECTIVES IN THE CONFERENCE. SUBJECT TO THIS UNDERSTANDING, THE U.S. DELEGATION IS AUTHORIZED TO EXERCISE THE AUTHORITY CONTAINED IN SECTION E, OPTION 3 OF THE INSTRUCTIONS. WITH REGARD TO DELIMITATION OF THE OUTER BOUNDARY OF THE COASTAL SEABED ECONOMIC AREA AND RECOGNIZING THE TACTICAL DESIRABILITY OF MAINTAINING A LOW PROFILE, THE U.S. DELEGATION SHOULD SEEK 200 MILES OR THE EDGE OF THE CONTINENTAL MARGIN, WHICHEVER IS FURTHER SEAWARD. THE
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NSC LAW OF THE SEA TASK FORCE SHOULD CONTINUE ITS WORK TO DETERMINE THE MEANS FOR LOCATING AS PRECISELY AS POSSIBLE THE EDGE OF THE CONTINENTAL MARGIN.

5. MARINE POLLUTION. THE U.S. DELEGATION IS AUTHORIZED TO EXERCISE THE AUTHORITY CONTAINED IN SECTION F, OPTION 1 OF THE INSTRUCTIONS, WITH THE UNDERSTANDING THAT THERE MUST BE INTERNATIONAL ACCEPTANCE OF EXPLICIT EXEMPTION OF

MILITARY VESSELS AND AIRCRAFT AS WELL AS INTERNATIONAL ACCEPTANCE OF ADEQUATE PROCEDURAL PROTECTIONS FOR COMMERCIAL VESSELS INCLUDING PROMPT RELEASE UNDER BOND, LIABILITY FOR UNREASONABLE ENFORCEMENT ACTIONS AND COMPULSORY DISPUTE SETTLEMENT.

6. SCIENTIFIC RESEARCH. THE U.S. DELEGATION SHOULD SEEK INTERNATIONAL ACCEPTANCE OF TREATY PROVISIONS ASSURING THE MAXIMUM FREEDOM OF MARINE SCIENTIFIC RESEARCH. TO THIS END, THE U.S. DELEGATION SHOULD CONTINUE TO BE GUIDED BY EXISTING POSITIONS AND NEGOTIATING AUTHORITY, AS SUMMARIZED AT TAB A OF THE RECOMMENDED INSTRUCTIONS.

7. THE DEEP SEABEDS. THE U.S. DELEGATION IS AUTHORIZED TO EXERCISE THE AUTHORITY CONTAINED IN SECTION H, OPTION B,

OF THE RECOMMENDED INSTRUCTIONS IN THE CONFERENCE NEGOTIATIONS ON INTERNATIONAL MACHINERY FOR DEEP SEABED EXPLOITATION. THE DELEGATION IS AUTHORIZED TO CONTINUE TO SUPPORT THE POSITION PROVIDING FOR USE OF FUNDS GENERATED BY LICENSED EXPLOITATION ACTIVITY FOR THE PAYMENT OF THE INTERNATIONAL AUTHORITY'S OPERATIONAL EXPENSES. THE PRESIDENT HAS APPROVED THE RECOMMENDATION OF THE CHAIRMAN OF THE U.S. DELEGATION THAT FROM A TACTICAL STANDPOINT THE UNITED STATES SHOULD OPPOSE THE PRINCIPLE OF DIRECT EXPLOITATION BY THE AUTHORITY AS LONG AS THERE IS A REASONABLE CHANCE OF DEFEATING IT AND, IN ANY EVENT, CONSIDER ACCEPTING IT ONLY AS PART OF A FINAL PACKAGE MEETING U.S. CONCERNS ON NONDISCRETIONARY ACCESS AND OPERATING RULES AND WITH NECESSARY LIMITATIONS ON THE AUTHORITY. ACCORDINGLY, THE DELEGATION IS AUTHORIZED TO DISCUSS THIS SUBJECT ON AN EXPLORATORY BASIS. WITH REGARD TO THE SHARING OF REVENUES FROM DEEP SEABED (MINING BEYOND NATIONAL JURIS-
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DICTION), THE PRESIDENT HAS NOTED THAT CONTINUING STUDY IS BEING GIVEN TO THE PRECISE BASE AND PERCENTAGE OF REVENUE TO BE SHARED. WITH THIS THE CASE, THE DELEGATION IS AUTHORIZED TO DISCUSS THIS SUBJECT ON AN EXPLORATORY BASIS;

8. CONFERENCE BACKSTOPPING; THE PRESIDENT HAS ASSIGNED RESPONSIBILITY TO THE CHAIRMAN, NSC UNDER SECRETARIES COMMITTEE FOR BACKSTOPPING THE LAW OF THE SEA NEGOTIATIONS. THE CHAIRMAN OF THE U.S. DELEGATION IS REQUESTED TO SUBMIT A REPORT ON THE RESULTS OF THE NEGOTIATIONS, VIA THE CHAIRMAN, NSC UNDER SECRETARIES COMMITTEE, TO THE PRESIDENT UPON CONCLUSION OF THE JUNE 20-AUGUST 29, 1974 SESSION OF THE CONFERENCE IN CARACAS. HENRY A; KISSINGER;

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW OF THE SEA, PRESIDENT, INSTRUCTIONS, FREEDOM OF NAVIGATION, POLLUTION, RESEARCH, NATURAL RESOURCES, SEABED, MEETINGS, MEETING DELEGATIONS, STRAITS, FOREIGN POLICY POSITION
Control Number: n/a
Copy: SINGLE
Draft Date: 25 JUN 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: CollinP0
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974STATE136405
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: X4
Errors: N/A
Film Number: D740167-0302
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740615/aaaaamke.tel
Line Count: 169
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN IO
Original Classification: SECRET
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: SECRET
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: CollinP0
Review Comment: n/a
Review Content Flags:
Review Date: 23 SEP 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <23 SEP 2002 by boyleja>; APPROVED <21 FEB 2003 by CollinP0>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: LOS: INSTRUCTIONS FOR THE U.S. DELEGATION TO THE LAW OF THE SEA CONFERENCE
TAGS: PLOS, PBOR, VE, US, (STEVENSON, JOHN R), (MOORE, JOHN)
To: CARACAS
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005